

### **REMARKS/ARGUMENTS**

Concurrently with this Preliminary Amendment, Applicant has filed a Request for Continued Examination ("RCE"). Applicant respectfully requests that this Amendment be entered in the RCE.

In response to the Office Action dated October 9, 2009, Applicant submits the following Remarks.

Applicant appreciates the Examiner's continued thorough search and examination of the present patent application. Claims 2-16, 18, 20, 24, 28-32, 34, 39, 40, 56-78 and 85-89 are cancelled herein without prejudice. New claims 90-159 are submitted herein and are pending. No new matter has been added to the new claims. It is respectfully submitted that these new claims render the Examiner's rejection of the now cancelled claims moot. As such, allowance of the claims in view of the foregoing amendments and the following remarks are respectfully requested.

#### **Related Submissions**

Submitted herewith is a Submission In Accordance With M.P.E.P. §713.04 summarizing the October 7, 2008 telephonic interview between applicant's attorney and the Examiner, a Request for Continued Examination, an Information Disclosure Statement citing prior art that has recently come to the attention of the applicant, and an Applicant Initiated Interview Request Form.

Additionally, applicant thanks the Examiner and gratefully acknowledges that an in-person interview has been tentatively scheduled for January 28, 2009, at 11:00 a.m..

#### **New Claims 90-147**

In the newly added claims, the phrase, "at least one of" [A] and [B] has been used to refer to respective claim elements. Applicant submits that, as used herein, the phrase, "at least one of" [A] and [B] is used in its broadest sense and should be understood to include at least one "[A]," or at least one "[B]," or at least one of both "[A]" and "[B]." For example, claim 90 recites "at least one of trait and preference," where [A] represents a "trait" and [B] represents a

“preference.” Thus, this phrase should be understood to include at least one trait, or at least one preference, or at least one of both a trait and a preference.

Further, the claims include the term “in case.” For example, claim 90 recites “generating, by the one or more processors, first electronic fact information using the advertiser relevant information *in case* electronic trait information and electronic preference information associated with the first user corresponds with the at least one of trait and preference valued by at least one of the one or more advertisers” (emphasis added). As used herein, the phrase, “in case” represents an event that is conditioned on the occurrence of another event. Thus, and in accordance with the above example in claim 90, “first electronic fact information” is “[generated]” if “electronic trait information and electronic preference information associated with the first user corresponds with the at least one of trait and preference valued by the at least one of the one or more advertisers.”

#### **The Claims are not Obvious**

Cancelled claims 2-16, 20, 24, 28-32, 34, 39-40, 56-69, 71-78, 85, 86 and 87-89 were rejected under 35 U.S.C. §103(a) as being unpatentable over Greening (“Greening,” U.S. Patent Application Publication No. US 2001/0013009) in view of Harvey (“Harvey,” U.S. Patent Application Publication No. US 2002/0059379). Furthermore, cancelled claims 18 and 70 were rejected under 35 U.S.C. §103(a) as being unpatentable over Greening in view of Harvey in view of Masi (“Masi,” U.S. Patent No. 6,105,001).

It is respectfully submitted that these rejections are rendered moot in view of Applicant’s cancellation of Claim 2-16, 18, 20, 24, 28-32, 34, 39, 40, 56-78 and 85-89 without prejudice, and the submission of new claims 90-159. Applicant addresses Harvey and Greening below in the context of New Claims 90-159.

More particularly, Greening describes a system and method for predicting the interest of a user “based on that user’s behavioral or preferential similarities to other users, to objective archetypes formed by assembling items satisfying a search criterion, a market segment profile, a demographic profile or a psychographic profile” (see, for example, Abstract, paragraphs [0014]-[0021], [0035], [0036], [0039], [0040], [0041], [0043] and [0052]). Greening creates a personalized experience or makes recommendations based on an individual’s “personal tastes”

(paragraph [0014]). Greening attempts to analyze the individuals in order to find like-minded people.

Harvey is cited by the Examiner for teaching an individual searching demographic databases of users or members. Harvey is also cited for disclosing providers of goods and services, and for utilizing message boards.

However, Applicant respectfully submits that features in independent claims 90, 124 and 158 are not taught, suggested or disclosed by the combination of Greening and Harvey. Specifically, it is respectfully submitted that Greening and Harvey do not, alone or in combination, disclose the at least step (e), in combination with steps (a)-(d) and (f), of new claim 90:

(e) generating, by the one or more processors, first electronic fact information using the advertiser relevant information in case electronic trait information and electronic preference information associated with the first user corresponds with the at least one of trait and preference valued by the at least one of the one or more advertisers, wherein the first electronic fact information relates to the first electronic responsive information and further relates to a second demographic defined by at least a second group of one or more of traits and preferences stored in the at least one database, and further wherein at least one trait or preference of the second demographic is not included in the first demographic[.]

Claim 124 (see step (c)(iv)) and Claim 158 (see step (c)(4)) include limitations that are similar to step (e) of Claim 90, and also not disclosed in Greening and Harvey.

Thus, for the above reasons, even if one were to combine Greening and Harvey, and apply their disclosures to applicant's claims 90, 124 and 158, the foregoing claim elements still would not be taught. Therefore, applicant respectfully submits that claims 90, 124 and 158 are not obvious under 35 U.S.C. §103(a) and are allowable over the Greening and Harvey, both alone and in combination with each other.

Claims 91-123, 125-157 and 159 depend directly or indirectly from claims 90, 124, or 158 respectively, and thus, are patentable over Greening and Harvey for at least the same reasons discussed above.

Furthermore, previously pending claims 18 and 70 were rejected under 35 U.S.C. §103(a) as being unpatentable over Greening in view of Harvey in view of Masi ("Masi," U.S. Patent No. 6,105,001). Applicant respectfully traverses this rejection.

Masi is cited by the Examiner for providing the additional limitations in previously pending claims 18 and 70 of providing “incentives” to members to “recruit others to input” information into the database. However, as noted above with regard to Greening and Harvey, Masi does not teach, suggest or disclose at least applicant’s claimed step (e) of claim 90, step (d)(iv) of claim 124 and step (c)(iii)(2) of claim 158, cited above. Therefore, for at least the same reasons identified above, applicant submits that the addition of Masi does not supply the features of applicant’s claims 90-159 that are missing from the teachings of Greening and Harvey, and that, therefore, claims 90-159 are patentable over Greening, Harvey and Masi.

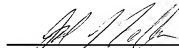
Applicant’s representatives look forward to discussing the new claims with the Examiner at the in-person interview.

### **Conclusion**

For the reasons set forth above, applicant respectfully submits that this application is in condition for allowance, for which action is earnestly solicited.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE PATENT AND  
TRADEMARK OFFICE EFS FILING SYSTEM  
ON January 19, 2009.

Respectfully submitted,



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